

**REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

**A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicants basically:

1. Amend independent claims 36, 60, 70, and 71.
2. Editorially amend claims 52 – 53, 55 – 59, and 69.
3. Cancel claim 54 without prejudice or disclaimer.
4. Respectfully traverse all prior art rejections.

**B. PATENTABILITY OF THE CLAIMS**

Claims 36-39, 45, 51, 52, 54, 56, 58-62 and 68-77 stand rejected under 35 USC 102(b) as being anticipated by U.S. Publication 2003/0083069 to Vadgama. Claim 46 stands rejected under 35 USC §103(a) as being unpatentable over U.S. Publication 2003/0083069 to Vadgama in view of U.S. Publication 2002/0046292 to Tennisonl et al. Claim 47 stands rejected under 35 USC §103(a) as being unpatentable over U.S. U.S. Publication 2003/0083069 to Vadgama in view of U.S. Publication 2003/0156580 to Abraham et al. Claims 40-44, 48-50 and 63-67 stand rejected under 35 USC §103(a) as being unpatentable over U.S. U.S. Publication 2003/0083069 to Vadgama. Claims 53, 55 and 57 stand rejected under 35 USC §103(a) as being unpatentable over U.S. U.S. Publication 2003/0083069 to Vadgama in view of U.S. Publication 2004/0116110 to Amerga et al. All prior art rejections are respectfully traversed for at least the following reasons.

In the Advisory Action the examiner disagreed with Applicants' arguments that the independent claims require selecting a radio access from among plural radio access networks. As now amended, it is amply clear that Applicants' technology concerns a method and/or arrangement in which a terminal selects an access network from among multiple access networks capable of providing service to a mobile communication

terminal. The selection includes determining for each of a plurality of available access selections including access selections to differing ones of the multiple access networks, a radio quality from the terminal to the respective access network; determining for each access selection a utilization factor for at least one node; determining for each access selection a user perceived data quality; and selecting at least one of said multiple access networks based on the determined user perceived quality.

In view of the amendments and clarification, applicants reiterate the previous arguments that the claims distinguish over Vadgama, which only concerns site or cell selection. As previously indicated, US 2003/0083069 (hereinafter referred to as Vadgama) discloses cell selection techniques in cellular communications systems. Basically, a decision as to whether to use a cell for data transmission is made in dependence on a measure of a congestion level in the cell and potentially on measures of signal quality in the cells.

Thus, a main difference between Vadgama and the present disclosure is that Vadgama concerns site or cell selection. In other words, Vadgama discloses methods of selecting a cell or site within one radio access network. In contrast, Applicants select a radio access network from a plurality of available radio access networks.

Applicants also incorporate, reiterate, and reallege other patentability arguments previously presented.

For reasons including those expounded above, the amended set of claims is deemed novel and non-obvious over Vadgama. The other references used in combination with Vadgama are not alleged to nor do they overcome the above deficiencies of Vadgama, for which reasons the dependent claims are all deemed patentable as well.

**C. MISCELLANEOUS**

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly requested.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,  
**NIXON & VANDERHYE P.C.**

By: /H. Warren Burnam, Jr./  
H. Warren Burnam, Jr.  
Reg. No. 29,366

HWB:lsh  
901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100